

## REMARKS

Claims 1-9, 13, 24 and 26 were previously canceled. Thus, claims 10-12, 14-23, 25 and 27-29 are currently pending. Applicants respectfully requests reconsideration and allowance of the pending claims in view of the following remarks.

### Response to Rejections Under Section 103:

Claims 10-11 and 14-15 stand rejected under 35 U.S.C § 103(a) over US patent No. Alfonsi (USPN 5,491,690) in view of Zaumen (USPN 5,881,243). Claims 12, 16-23, 25 and 27-29 stand rejected under 35 U.S.C § 103(a), over Alfonsi in view Zaumen and further in view of Corson et al. (USPN 6,667,957).

M.P.E.P. 2143.03 provides that to establish *prima facie* obviousness of a claimed invention, all the claims limitations must be taught or suggested by the prior art. All words in a claim must be considered for judging the patentability of the claim against the prior art. If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending there from is nonobvious.

Claim 10 in part recites “defining for the communication network a node arrangement comprising a plurality of distinct node classes that encompasses all of the plurality of nodes of the communication network”. Claim 10 further recites “wherein the defining of the node arrangement comprises dividing all of the plurality of nodes into the plurality of distinct classes subject to satisfying a first condition and a second condition. . .” Lastly, claim 10 recites “wherein from each node of a class, a link is routed to a node of a class having one fewer hop ...”. (Underlining added for emphasis by Applicant)

The Abstract (lines 21-23) of Alfonsi describes:

*For a given connection, only a limited number of nodes are eligible and are taken in account by the algorithm in the optimal route search.*

In the Summary of the Invention, at col. 8, lines 15-17 Alfonsi describes:

*For a given connection, only a limited number of nodes are eligible and are taken in account by the algorithm in the optimal route search. The object of the invention is to split the network in backbone and local nodes to speed up the path selection.*

In the description of the Preferred embodiment, at col. 11, lines 12-15 Alfonsi describes:

*The purpose of the present invention is, for a given connection, to simplify the network topology by reducing the number of eligible nodes for the path calculation.*

At col. 15, lines 53-55 Alfonsi further describes

*Only the backbone links, and the local links attaching the source node and the destination node to the backbone (701) are taken into account in the search process.*

At Table TA in col. 15, line 38 Alfonsi lists Eligible and Non-eligible links.

Applicant is aware that Alfonsi uses a routing algorithm subject to a hop constraint. However, Alfonsi makes plainly clear (see above-listed excerpts) that not every node (regardless of hop size, 1 Hop, 2 Hop, etc.) is eligible in his routing algorithm for a path calculation. Some nodes of Alfonsi from the outset are just not taken into account. Alfonsi expressly purports that this feature is the purpose of his invention. In view of the foregoing considerations, Applicant respectfully asserts that, if anything, Alfonsi teaches away from the claimed invention, being that one skilled in the art will appreciate that the purported objective of Alfonsi is antithetical to the above-listed structural and/or operational relationships of the claimed invention. See MPEP § 2141.02 (prior art must be considered in its entirety, including disclosures that teach away from the claims)

It is respectfully submitted that Zaumen and Corson (singly and in combination) fail to remedy the fundamental deficiency of Alfonsi noted above in connection with the invention as

recited in claim 10 (and as recited in independent claim 12). Consequently, the respective combination of Alfonsi, Zaumen and Corson fails to constitute respective *prima facie* combinations for appropriately sustaining a Section 103 rejection of claims 10 and 12 (and claims respectively depending from such claims). Therefore, Applicants respectfully submits that these claims are patentable over such combinations and respectfully requests the Examiner to withdraw the Section 103 rejections.

### Conclusion

It is respectfully requested that the rejections set forth in the outstanding Office Action should be reconsidered in light of the remarks above, and upon such reconsideration early allowance is solicited. All correspondence should continue to be directed to our below-listed address. Please grant any extensions of time required to enter this paper. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including fees for additional claims and terminal disclaimer fee, or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated: July 7, 2009

By: Janet D. Hood  
Janet D. Hood  
Registration No. 61,142  
(407) 736-4234

Siemens Corporation  
Intellectual Property Department  
170 Wood Avenue South  
Iselin, New Jersey 08830